

House Bill 1400

By: Representatives Gilliard of the 162nd, Tran of the 80th, and Adeyina of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling
2 and other trade practices, so as to provide for written disclosures relating to certain fees and
3 performance terms; to provide for a rebuttable presumption; to provide for itemized receipts;
4 to provide for certain notices; to provide for rescinding of certain fees; to prohibit retaliation;
5 to provide for certain exemptions; to provide for a safe harbor; to provide for enforcement;
6 to provide for a short title; to provide for definitions; to provide for severability; to provide
7 for related matters; to provide for legislative findings; to provide for legislative intent; to
8 provide for an effective date and applicability; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 The General Assembly finds that:

- 13 (1) Georgia is a nationally recognized center for live music, entertainment, and cultural
14 events;
- 15 (2) Transparency and good faith contracting practices promote economic growth and
16 reduce disputes;

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- 17 (3) Emerging and independent artists frequently lack equal bargaining power;
18 (4) Comparable entertainment markets such as New York City, Los Angeles, and
19 Nashville rely primarily on disclosure based protections; and
20 (5) It is in the public interest to prevent deceptive practices while preserving legitimate
21 venue and promoter business models.

22 **SECTION 2.**

23 It is the intention of the General Assembly that this Act be interpreted to:

- 24 (1) Promote transparency and informed consent;
25 (2) Supplement, not replace, existing contract law;
26 (3) Avoid price regulation, compensation mandates, or licensing requirements;
27 (4) Avoid imposing affirmative monitoring or investigative duties on venues absent actual
28 knowledge of a violation; and
29 (5) Avoid any presumption that promoters or venues operating in good faith engage in
30 deceptive or unfair trade practices.

31 **SECTION 3.**

32 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
33 trade practices, is amended by adding a new article to read as follows:

34 "ARTICLE 38

35 10-1-970.

36 This article shall be known and may be cited as the 'Georgia Artist-Promoter Fair Practices
37 Act.'

38 10-1-971.

39 As used in this article, the term:

40 (1) 'Artist' means any individual or group engaged in musical, spoken-word, theatrical,
41 or other live performance.

42 (2) 'Performance related fee' means any monetary charge imposed as a condition of
43 performing, including, but not limited to, opening act fees, slotting fees, marketing or
44 promotional buyins, registration fees, lodging charges, administrative cost recovery fees,
45 or guaranteed placement payments.

46 (3) 'Promoter' means any person or entity that organizes, markets, produces, or facilitates
47 a live performance event.

48 (4) 'Venue' means any location at which a live performance is presented.

49 (5) 'Written disclosure' means written communications regarding contracts and contract
50 terms, including, but not limited to, invoices, emails, and electronic communications.

51 10-1-972.

52 (a) Prior to accepting payment or confirming a performance by an artist, a promoter or
53 venue shall provide a written disclosure describing whether a performance is classified as
54 a:

55 (1) Paid performance;

56 (2) Showcase;

57 (3) Audition; or

58 (4) Promotional or unpaid appearance.

59 (b) Such classification shall not create a presumption of compensation or future booking.

60 10-1-973.

61 (a) Any performance related fee shall be disclosed in a written disclosure prior to payment
62 of such fee. The disclosure shall identify the amount, purpose, refundability, and effect on
63 placement or set length.

64 (b) Failure to provide a written disclosure shall create a rebuttable presumption that the
65 promoter or venue engaged in a deceptive practice.

66 10-1-974.

67 (a) Performance related fees shall be permitted if clearly identified in a contract as
68 consideration for the opportunity for the artist to perform.

69 (b) No promoter or venue shall state or imply that payment of a performance related fee
70 guarantees exposure, industry access, or future bookings unless expressly stated in writing.

71 10-1-975.

72 (a) A promoter or venue shall provide the artist itemized receipts for all performance
73 related fees paid by such artist.

74 (b) The promoter or venue shall provide the artist written disclosure of the set length,
75 performance window, load-in and load-out, soundcheck, and equipment requirements.

76 10-1-976.

77 (a) Promoters and venues shall notify artists of any alternative arrangements relating to
78 performances.

79 (b) Charges shall reflect fair market value unless otherwise disclosed.

80 (c) Undisclosed markups shall not be imposed.

81 10-1-977.

82 (a) An artist paying a performance related fee more than 14 days in advance may rescind
83 such payment within 48 hours of paying such performance related fee by written notice.

84 (b) Refunds shall be issued to the artist within ten business days of receipt of such written
85 notice by the promoter or venue.

86 (c) An artist shall not rescind the payment of the performance related fee after the
87 performance has occurred.

88 10-1-978.

89 Promoters and venues shall provide performance opportunities materially consistent with
90 written disclosures and shall not materially reduce conditions in a deceptive manner.

91 10-1-979.

92 Promoters and venues shall not retaliate against an artist for requesting a written disclosure
93 or declining undisclosed performance related fees.

94 10-1-980.

95 (a) A venue shall be subject to this article only upon:

96 (1) Actual knowledge of a deceptive performance related fee; and

97 (2) Direct collection or knowingly receiving a benefit from such fee.

98 (b) Nothing in this article shall be construed to impose an affirmative duty on a venue to
99 investigate, monitor, or audit promoter fee practices absent actual knowledge of deceptive
100 practices.

101 (c) A venue shall have a safe harbor when reasonably relying on representations made by
102 a promoter regarding compliance with this article.

103 10-1-981.

104 (a) Violations of this article shall be subject to the same civil remedies and in the same
105 manner as provided by Part 2 of Article 15 of this chapter, the 'Fair Business Practices Act
106 of 1975.'

107 (b) The Attorney General shall enforce this article.

108 (c) Private actions are limited to actual damages and punitive damages for all violations
109 of this article.

110 (d) There shall be no criminal liability for violations of this article.

111 10-1-982.

112 This article shall not apply to licensed talent agencies, nonprofit showcases with uniform
113 fees and published criteria, or educational or charitable events without performance related
114 fees.

115 10-1-983.

116 If any provision of this article is found invalid, the remaining provisions shall remain
117 effective."

118 **SECTION 4.**

119 This Act shall become effective on July 1, 2026, and apply to all performance related fees
120 paid on or after such date.

121 **SECTION 5.**

122 All laws and parts of laws in conflict with this Act are repealed.